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The volume shows evidence of careful proofreading. The typographical errors which escaped detection are found for the most part in the titles of books quoted (e.g., p. 16, n. 13; p. 272, n. 55; p. 283, n. 1). It is also evident that these titles were frequently quoted from memory, and with the usual result. Only occasionally do we find any inconsistency in the rendering of proper names. We find Nebopaliddin (p. 37) and Nabupaliddin (p. 415). Spellings like Gu-eddin and Nabonnedos look somewhat strange to the reviewer. The choice of illustrations could hardly have been improved upon. Unfortunately a few of them got into the volume upside down (plates opposite pp. 286 and 334). The reviewer cannot take so favorable a view as the author has done of the services rendered to Assyriology by the late J. Halévy (p. 104), whose defense of a thesis long since degenerated into a mania.

But an author cannot be expected to please everybody. If he is successful in carrying out the task he assigned himself, even if this is not done in the way someone else might do it, he has accomplished his purpose. Professor Jastrow has succeeded in giving a very good general survey of the civilization of Babylonia and Assyria, upon which he is to be congratulated.

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THE LAWS OF BABYLONIA AND OF THE HEBREWS

The subject of the sixth series of Schweich Lectures¹ given under the auspices of the British Academy, is one of prime importance both in the study of the legal and religious history of Israel, and in estimating the extent of early Babylonian influence in Syria-Palestine. The master of St. Catherine's is peculiarly fitted by his familiarity with the legal phases of the "contract literature" and by reason of his own special studies of the Code of Hammurapi to deal with this theme. The subject is treated from the standpoint of the general reader and with a freshness and vigor that make it exhilarating reading from beginning to end.

The volume consists of a fifteen-page Preface and three lectures followed by a bibliographical appendix, an index of topics, authors mentioned, and Babylonian words. The bibliography is extremely valuable, covering, as it does, twenty-seven pages and including the titles of practically everything written on the Code of Hammurapi. The preface is in reality an integral part of the lectures and by no means the least important. It states clearly the lecturer's viewpoint, the elements of the problem, the method to be pursued, the possible solutions, the kind of evidence available and what it is possible to prove.

¹ *The Relation between the Laws of Babylonia and the Laws of the Hebrew Peoples.* By Rev. C. H. W. Johns, M.A., Litt.D. (The Schweich Lectures, 1912.) London: Oxford University Press, 1914.

Briefly stated, the view thus taken is that the Code of Hammurapi belongs to the same group of ancient legislation as the Hebrew and that both are compromises between two distinct types of law, the one type being the nomadic custom of the desert, that still survives among the modern Bedawin and that governed the Israelites when they entered Canaan as it did the Amorites when they conquered Babylonia, the other type having its norm in the laws of the settled communities that were thus overcome. This forcible contact of the two types led the conquerors to take on, in part, the more advanced laws of settled life and to modify their own more primitive custom accordingly. In Babylonia this law preceding the Amorite occupation was probably due largely to the non-Semitic Sumerians. In Canaan, Israel found a long-settled people governed by laws very similar to those of the conquered Babylonians. The relation of Israelite to Canaanite law naturally depends upon the character of the Israelite conquest. Our author follows the critical analysis, repudiating the main account of the Book of Joshua as unhistorical, and accepting that of the earlier sources in Joshua and Judges as stating the essential facts. The more advanced Israelite laws which are due to gradually assimilated Canaanite sources should show at least affinity with the Code of Hammurapi. In case they do not, the law of Hammurapi did not continue to hold sway in Canaan, or it never did on that point, or the law is a new creation.

The first lecture deals with the external features of the Code of Hammurapi, dwelling chiefly on those items that are useful for a comparison with the Israelitish legislation. The state of society revealed by the Code furnishes the chief subject of discussion. Everywhere the king's justice prevailed. All wrongs must be redressed at law, and the law provided full protection, especially for the weak and defenseless. The most striking feature of the state of society is the three classes into which the Code divides the social organism. These are, roughly, patricians, plebeians, and slaves, that is, primarily the conquering Amorites, the conquered Babylonians, and the captives taken in war.

The second lecture takes up the more exact nature of the legislation ascribed to Moses preparatory to comparisons with Babylonian law. The author accepts the critical analysis of the Hexateuch as the basis of comparison, not however without protest and apparently not without serious misgivings. Nevertheless he does accept it, and as a result confines his direct comparisons to the material found in the Covenant Code of JE. Out of perhaps thirty-five enactments that have points of contact with the laws of Hammurapi, some eighteen cases are adduced which not only treat the same subject as in the Code, but in which both assume the same fundamental viewpoint, and, while seldom using identical terms or provisions, yet employing such language as to make dependence of some sort the most natural explanation.

The third lecture is devoted to the problem of accounting for the similarities. The theories based on a common Semitic origin or upon the

developments of common human experience are sharply criticized and found wanting. The author stakes the case for dependence and the nature of that dependence upon a comparison of two similar features in the two legislations, viz., the term of service of the hostage for debt, and death by burning. The first is illustrated by an analogy taken from the study of prehistoric pottery and constitutes perhaps the most brilliant feature of the book. The writer finds in the Hebrew legislation itself a memory of the fact that the six years of servitude, decreed for non-payment of a debt, was double that of an earlier usage which coincides exactly with the corresponding provision of the Code of Babylonia. The second comparison is a close second in cogency, and it is made to get its chief force from an exceedingly clever use of rabbinic tradition.

It is interesting to note that the author strongly repudiates the identification of Amraphel and Hammurapi as well as all the rest of the series in Gen., chap. 14. The conclusions reached, however, are chiefly negative, and by no means aim to dispose of the problem. Whatever be the effect on the Abram-Abraham question, one general result would seem to be to confirm previous critical opinion that Gen., chap. 14, in its present form is of very uncertain historical worth. It is rather surprising to find 1916 B.C. set down as a general date for Hammurapi, without even a reference to its astronomical determination by Kugler at 2123-2081 B.C. The use of the term "Hebrew Peoples" in the title is a departure that is a trifle disconcerting, especially since no point is made of it in the lectures.

The most unsatisfactory part of the book is the attitude taken toward the critical analysis of the Hexateuch. The findings of criticism meet with protest, its methods are mildly suspected, its motives challenged, and its trustworthiness questioned. Nevertheless the lecturer strongly defends the critical view of the Israelite conquest. He frankly accepts the Covenant Code as the oldest Hebrew legislation and shapes his lectures accordingly, but at the same time warns his hearers that the use of the terms "Book of the Covenant," "Priestly Code," etc., neither implies nor denies the appropriateness of the terms nor any adherence to any theory of their source or date. This reservation of "strict neutrality" seems rather perfunctory if not confusing, in view of the theory adopted as to the Book of the Covenant.

With reference to Moses he asserts that the use of the name in connection with the laws of Israel does not necessarily assume that anyone existed at all like the Moses described in the Old Testament, but he claims that a leader in the position to which tradition assigned Moses could perfectly well have promulgated a code of law as full and complete as the whole Mosaic law, and he is prepared not to be surprised to find this to be the case. But surely the mental acrobatics required for such a feat on the part of Moses are not to be offset by the assumption that he knew cuneiform or could avail himself of a copy of Hammurapi's Code.

It was well within the scope of the lectures to have pointed out at least some critical views that needed modification as a result of comparing the

two codes, especially since the book seems to imply that there must be such. The failure, under the circumstances, to be definite on this point has the unfortunate aspect of seeming to raise a matter of primary consideration, which the lecturer nevertheless decides to leave in complete obscurity.

The author seems to imply that, in some way, dependence would be fatal to critical theories. Granted that the principle of dependence on the part of the Mosaic law upon the Code of Hammurapi be fully accepted, is there anything to show that the early Israelite enactments were made by a law-giver of as central authority as Moses' traditional position would warrant? So far from this being the case, in no instance is there any evidence of a higher authority above the local judge, nor any provision for a higher appeal as outlined in *Exod.*, chap. 18. Moreover, very frequently the exact penalty is left exclusively with the local court. The evidence points distinctly to local development and to the exclusion of a strong central authority. Furthermore, does the acceptance of Israelite dependence require any modification of the principle of different strata of laws or any revision of the strata themselves, which criticism finds in the Mosaic code? Granting that some things regarded as late by the critics turn out to be most like the Babylonian, lateness of Babylonian influences also being admitted, the determination of the date of the influence alone might yield a mandate for change, yet the lecturer steadfastly refuses to attempt this task and so leaves the critical data as the only available criteria in the case.

Again, is there anything fundamental to critical views that is disturbed by the idea of dependence? The form of the dependence is of course important to the answer to be given, but as far as the evidence goes to show or the lectures imply, the Babylonian law did not come as a "catastrophic influence." On the other hand its energy seems to have been almost wholly absorbed in giving more of historical concreteness to our conception of the evolutionary environment of Israel.

Apart, however, from all such considerations, these lectures are a distinct contribution to the study of ancient Semitic law. They have first of all stated the problem with a clearness that was greatly to be desired. They have forcefully insisted that neither the Code of Hammurapi nor the Mosaic legislation contains all the laws of their respective communities. They have cleverly shown that the Israelites had no written law concerning the welfare of real slaves. They have strikingly proved the value of rabbinic tradition for the study of the "Law." They have brilliantly demonstrated the existence of the same social classes in Israel as in Babylonia, and they have put the case for definite Israelite dependence upon Babylonian law beyond peradventure.

These items are enough to lend distinction to any work and to assure it a high rank in its field.

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